

REMARKS

The present Amendment is submitted in response to the Official Action of March 1, 2007. In the Official Action, some subset of the claims also appears to be provisionally rejected for double patenting.¹ Claim 1 was rejected under 35 U.S.C. § 112, first paragraph, for lacking enablement. Claims 1-40 were rejected under 35 U.S.C. § 102(b) as being anticipated by International Published Patent Application No. WO 02/057959 to Rothmuller *et al.* (“*Rothmuller*”). Additionally, Claim 10 and the specification have both been objected to for various informalities. By this Amendment, all of the claims have been amended, as has been the specification. Reconsideration of the claims in view of the preceding amendments and the following remarks is respectfully requested.

I. Double Patenting Rejections

Various claims were subject to provisional non-statutory type double patenting rejections. However, it is not clear which specific claims are intended to be included in this rejection. The Official Action seemingly makes references to double patenting rejections involving claims from separate and unrelated applications (*see* p. 5 of the Official Action). Applicants ask that the Examiner clarify the extent of the double patenting rejections as they relate to the present application and confirm that the references to double patenting in the separate and unrelated cases were erroneously included in the Official Action. In any event, as the rejections are provisional, Applicants respectfully request that the rejections be held in abeyance until such time as a cited patent application issues as a patent.

II. Section 112 Rejection

Amended Claim 1 is directed to a product comprising (1) a computer readable storage medium and (2) computer-readable program instructions embodied in the medium, the computer-readable program instructions including first instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time and second instructions for generating a media view that provides access to digital media files

¹ As discussed below, it is difficult to determine which claims are subject to this provisional rejection.

and associates digital media files with a period of time.

The Official Action indicates that the specification is enabling for an application for providing access to a media file. *See* p. 6 of the Official Action. As such, Applicants respectfully submit that the specification is enabling for a computer readable storage medium including instructions for executing such an application, and that the enablement rejection has been overcome.

III. Section 102(b) Rejections

As indicated above, amended independent Claim 1 is directed to a product comprising (1) a computer readable storage medium and (2) computer-readable program instructions embodied in the medium, the computer-readable program instructions including first instructions for generating a calendar view that represents time in calendar format and associates events with respective periods of time and second instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time. Independent Claims 26, 32, and 37 all respectively contain references to “calendar events” or “events associated with respective periods of time in a calendar format” similar to the recitation of Claim 1.

The Official Action indicates that the subject matter of Claim 1 is disclosed by *Rothmuller*, specifically citing p. 3, lines 11-15 of *Rothmuller*. *See* p. 8 of the Official Action. However, *Rothmuller* appears to nowhere disclose the use of a calendar to manage events. A standard definition of “event” is “something that happens; an occurrence.” *See* Merriam-Webster’s College Dictionary, Eleventh Edition. The usage of the term “event” in the present application is consistent with this standard definition. At several points, the present application makes reference to “future calendared events” (or the like), indicating that an “event” is something capable of being prospective. *See, e.g.*, ¶ 0010 of the present application. Alternatively, *Rothmuller* discloses that a temporal distribution of objects such as digital images can be represented in a calendar view such that the days of the calendar indicate the number of objects having metadata associated with a given day. *See Rothmuller* p. 3, lines 10-16. The indication of the number of objects associated with a day in *Rothmuller* is therefore not an

“event” as used in the present application, in that the indication of *Rothmuller* is not representative of an occurrence and cannot be prospective.

For at least the above reasons, Applicants respectfully submit that independent Claims 1, 26, 32, and 37, as well as the claims respectively depending therefrom, are patentable over *Rothmuller*.

Independent Claim 20 is directed to a method for digital media management in a digital device, the method comprising: receiving, in a media diary application, a digital media file having metadata associated with the digital media file; and providing a user access to the digital media file via a media view that displays a representation of the digital media file in connection with a time element of the metadata. Independent Claim 22 includes reference to a “media diary application” similar to the recitation of Claim 20.

The specification of the present application explains that a “media diary” is an application “that calendars events and associates digital media items with calendar views.” See ¶ 0001 of the present application. As discussed above, *Rothmuller* does not disclose the calendaring of “events” as that term is used in the claimed invention. As such, it appears that *Rothmuller* does not disclose a media diary or media diary application, since a media diary and a media diary application are defined to, among other functions, calendar “events.”

For at least the above reasons, Applicants respectfully submit that independent Claims 20 and 22, as well as the claims respectively depending therefrom, are patentable over *Rothmuller*.

IV. Objections

Claim 10 was objected to for claiming to depend from itself. As such, Claim 10 has been herein amended to remedy this informality. Also, the specification of the present application has been objected to for its inclusion of undefined acronyms. As such, the specification has been amended to include the appropriate acronym definitions.

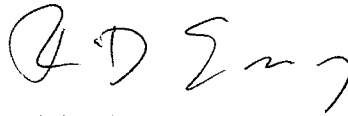
Appl. No.: 10/715,187
Amdt. dated July 2, 2007
Reply to Office Action of March 1, 2007

CONCLUSION

In view of the claim amendments and remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Richard D. Emery
Registration No. 58,894

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE
UNITED STATES PATENT & TRADEMARK OFFICE ON July 2, 2007, by Sarah B. Simmons.

LEGAL02/30434338v1